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EXAMINER

SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2617

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/882,091

Applicant(s)

CONNELLY, JAY H.

Examiner

James Sheleheda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-129 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-129 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/26/02</u> | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 02/26/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-7, 9, 11-17, 19-30, 32-35, 61, 62, 64-74, 76-86, 88-106 and 108-129 are rejected under 35 U.S.C. 102(e) as being anticipated by Shah-Nazaroff et al. (Shah-Nazaroff) (6,317,881).

As to claim 1, Shah-Nazaroff discloses a method, comprising:

receiving broadcast communications (column 2, line 62-column 3, line 4)

including content descriptors (column 6, lines 39-47) via a first communications link from

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a broadcast source (column 6, lines 39-47), the content descriptors including descriptors of a plurality of corresponding content pieces (questionnaires for particular programs; column 6, lines 23-59 and Fig. 4);

performing a rating algorithm (generating the questionnaire for the user to rate the program; column 3, lines 22-32) to rate at least a portion of the plurality of content pieces to generate a rating feedback (column 3, lines 22-55 and column 6, lines 23-59); and

transmitting the rating feedback via a second communications link to a remote location (column 3, lines 56-62).

As to claim 2, Shah-Nazaroff discloses wherein the first communications link and the second communications link comprise a common transmission platform (Fig. 1, 150; column 2, line 44-column 3, line 21 and 56-62).

As to claim 4, Shah-Nazaroff discloses wherein the rating feedback comprises a plurality of content pieces (column 6, lines 48-59), and wherein transmitting the rating feedback comprises periodically transmitting a batch of the rating feedback to the remote location (storing and transmitting several responses; column 6, lines 48-59), the remote location being linked to the broadcast center (Fig. 1; column 6, lines 48-59).

As to claim 5, Shah-Nazaroff discloses wherein the rating feedback comprises a single rated content piece (column 6, lines 48-59), and wherein transmitting the rating

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feedback comprises transmitting the rating feedback to the remote location in real-time (transmitting the questionnaire as it is completed; column 6, lines 48-59).

As to claim 6, Shah-Nazaroff discloses wherein the second communications link comprises a continuous connection to the remote location (cable, optical; column 3, line 15-21), the remote location being linked to the broadcast source (Fig. 1).

As to claim 7, Shah-Nazaroff discloses wherein the second communications link comprises a connection to the remote location that is initiated to transmit the rating feedback (Internet, telephone lines; column 3, line 15-21), the remote location being linked to the broadcast source (Fig. 1).

As to claim 9, Shah-Nazaroff discloses wherein the content descriptors comprise a continuous stream of data that may be tapped at any time to rate at least a portion of the plurality of content pieces via the rating algorithm (accessing and downloading the questionnaire upon request from the user; column 6, lines 45-47).

As to claim 11, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of any existing cached data files to generate the rating feedback (column 3, line 56-column 4, line 19).

As to claim 12, Shah-Nazaroff discloses wherein the content descriptors include data pertaining to a revenue-generating potential of at least a portion of the content pieces (discount incentive for a particular broadcast; column 3, lines 33-44), and the rating algorithm includes a consideration of the content piece's revenue generating potential when generating the rating feedback (including a discount for content; column 3, line 33-44).

As to claim 13, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a user's previous viewing habits to generate the rating feedback (column 4, lines 4-11).

As to claims 14 and 20, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a content piece's size (or duration) to generate the rating feedback (wherein the feedback cannot be generated until the content has finished playing; column 6, lines 23-34).

As to claim 15, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a user's preferences to generate the rating feedback (Figs. 4 and 6).

As to claim 16, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of an availability window corresponding to a content piece to generate the

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rating feedback (wherein the questionnaire is only available at the end of the content; column 6, lines 23-34).

As to claim 17, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a future broadcast schedule to generate the rating feedback (consideration of seeing movies in the future; see Fig. 6).

As to claim 19, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a review of a content piece provided by an external source to generate the rating feedback (column 7, lines 33-42).

As to claim 21, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a user's age to generate the rating feedback (see Figs. 4 and 6).

As to claim 22, Shah-Nazaroff discloses generating a display on a display device that provides a user-interface that enables a user to rate content pieces so as to indicate a level of desirability for those content pieces if they are broadcast by the broadcast system (column 3, lines 47-55; Figs. 4 and 6).

As to claim 23, Shah-Nazaroff discloses wherein the user rates at least a portion of the content pieces (column 6, lines 23-34).

As to claim 24, Shah-Nazaroff discloses wherein the rating algorithm automatically rates at least a portion of the content pieces (column 3, line 47-column 4, line 11 and column 6, lines 23-34).

As to claim 25, Shah-Nazaroff discloses wherein the rating algorithm automatically rates at least a portion of the content pieces that were not rated by the user (column 3, line 47-column 4, line 19 and column 6, lines 23-34).

As to claim 26, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a user's previous viewing habits to generate the rating feedback (column 4, lines 4-11).

As to claims 27 and 33, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a content piece's size (or duration) to generate the rating feedback (wherein the feedback cannot be generated until the content has finished playing; column 6, lines 23-34).

As to claim 28, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a user's preferences to generate the rating feedback (Figs. 4 and 6).

As to claim 29, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of an availability window corresponding to a content piece to generate the



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rating feedback (wherein the questionnaire is only available at the end of the content; column 6, lines 23-34).

As to claim 30, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a future broadcast schedule to generate the rating feedback (consideration of seeing movies in the future; see Fig. 6).

As to claim 32, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a review of a content piece provided by an external source to generate the rating feedback (column 7, lines 33-42).

As to claim 34, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a user's age to generate the rating feedback (see Figs. 4 and 6).

As to claim 35, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of any existing cached data files to generate the rating feedback (column 3, line 56-column 4, line 19).

As to claim 61, Shah-Nazaroff discloses an article of manufacture (entertainment system, 100; Fig. 1), comprising:

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a machine readable medium (Fig. 8) that provides instructions which, when executed by a machine (system controller, 100 controlling the system; column 2, lines 62-67 and column 8, lines 14-46), cause the machine to:

receive broadcast communications (column 2, line 62-column 3, line 4) including content descriptors (column 6, lines 39-47) via a first communications link from a broadcast source (column 6, lines 39-47), the content descriptors including descriptors of a plurality of corresponding content pieces (questionnaires for particular programs; column 6, lines 23-59 and Fig. 4);

perform a rating algorithm (generating the questionnaire for the user to rate the program; column 3, lines 22-32) to rate at least a portion of the plurality of content pieces to generate a rating feedback (column 3, lines 22-55 and column 6, lines 23-59); and

transmit the rating feedback via a second communications link to a remote location (column 3, lines 56-62).

As to claim 62, Shah-Nazaroff discloses wherein the first communications link and the second communications link comprise a common transmission platform (Fig. 1, 150; column 2, line 44-column 3, line 21 and 56-62).

As to claim 64, Shah-Nazaroff discloses wherein the rating feedback comprises a list of rated content pieces (column 6, lines 48-59), and wherein transmitting the rating feedback comprises periodically transmitting a batch of the rating feedback to the

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remote location (storing and transmitting several responses; column 6, lines 48-59), the remote location being linked to the broadcast center (Fig. 1; column 6, lines 48-59).

As to claim 65, Shah-Nazaroff discloses wherein the rating feedback comprises a single rated content piece (column 6, lines 48-59), and wherein transmitting the rating feedback comprises transmitting the rating feedback to the remote location in real-time (transmitting the questionnaire as it is completed; column 6, lines 48-59).

As to claim 66, Shah-Nazaroff discloses wherein the second communications link comprises a continuous connection to the remote location (cable, optical; column 3, line 15-21), the remote location being linked to the broadcast source (Fig. 1).

As to claim 67, Shah-Nazaroff discloses wherein the second communications link comprises a connection to the remote location that is initiated to transmit the rating feedback (Internet, telephone lines; column 3, line 15-21), the remote location being linked to the broadcast source (Fig. 1).

As to claim 68, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of any existing cached data files to generate the rating feedback (column 3, line 56-column 4, line 19).

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As to claim 69, Shah-Nazaroff discloses wherein the content descriptors include data pertaining to a revenue-generating potential of at least a portion of the content pieces (discount incentive for a particular broadcast; column 3, lines 33-44), and the rating algorithm includes a consideration of the content piece's revenue generating potential when generating the rating feedback (including a discount for content; column 3, line 33-44).

As to claim 70, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a user's previous viewing habits to generate the rating feedback (column 4, lines 4-11).

As to claims 71 and 77, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a content piece's size (or duration) to generate the rating feedback (wherein the feedback cannot be generated until the content has finished playing; column 6, lines 23-34).

As to claim 72, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a user's preferences to generate the rating feedback (Figs. 4 and 6).

As to claim 73, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of an availability window corresponding to a content piece to generate the

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rating feedback (wherein the questionnaire is only available at the end of the content; column 6, lines 23-34).

As to claim 74, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a future broadcast schedule to generate the rating feedback (consideration of seeing movies in the future; see Fig. 6).

As to claim 76, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a review of a content piece provided by an external source to generate the rating feedback (column 7, lines 33-42).

As to claim 78, Shah-Nazaroff discloses wherein the rating algorithm includes a consideration of a user's age to generate the rating feedback (see Figs. 4 and 6).

As to claim 79, Shah-Nazaroff discloses wherein execution of the instructions by the machine, further cause the machine to generate a display on a display device that provides a user-interface that enables a user to rate content pieces so as to indicate a level of desirability for those content pieces if they are broadcast by the broadcast system (column 3, lines 47-55; Figs. 4 and 6).

As to claim 80, Shah-Nazaroff discloses wherein the user rates at least a portion of the content pieces (column 6, lines 23-34).

As to claim 81, Shah-Nazaroff discloses wherein the rating algorithm automatically rates at least a portion of the content pieces (column 3, line 47-column 4, line 11 and column 6, lines 23-34).

As to claim 82, Shah-Nazaroff discloses wherein the rating algorithm automatically rates at least a portion of the content pieces that were not rated by the user (column 3, line 47-column 4, line 19 and column 6, lines 23-34).

As to claim 83, Shah-Nazaroff discloses a method, comprising:  
broadcasting broadcast communications including content descriptors (column 6, lines 39-47) from a broadcast source to a plurality of client systems (Fig. 1; column 2, line 62-column 3, line 4) via a first communications link, the content descriptors including descriptors of a plurality of corresponding content pieces (questionnaires for particular programs; column 6, lines 23-59 and Fig. 4); and  
receiving a rating feedback from the plurality of client systems via a second communications link (column 3, lines 56-62), wherein the rating feedback comprises a rating of at least a portion of the plurality of content pieces (column 3, lines 22-55 and column 6, lines 23-59).

As to claim 84, Shah-Nazaroff discloses wherein the rating feedback comprises a plurality of rated content pieces (column 6, lines 48-59), and wherein receiving the

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rating feedback comprises periodically receiving the feedback as a batch of rated content pieces from each of the plurality of client systems (storing and transmitting several responses; column 6, lines 48-59).

As to claim 85, Shah-Nazaroff discloses wherein the rating feedback comprises a single rated content piece (column 6, lines 48-59), and wherein receiving the rating feedback comprises receiving the rating feedback in real-time (transmitting the questionnaire as it is completed; column 6, lines 48-59).

As to claim 86, Shah-Nazaroff discloses wherein the first communications link and the second communications link comprise a common transmission platform (Fig. 1, 150; column 2, line 44-column 3, line 21 and 56-62).

As to claim 88, Shah-Nazaroff discloses wherein the second communications link comprises a continuous connection from each of the plurality of client systems for receiving the rating feedback (cable, optical; column 3, line 15-21).

As to claim 89, Shah-Nazaroff discloses wherein the second communications link comprises a connection initiated by each of the plurality of client systems (Internet, telephone lines; column 3, line 15-21).

As to claim 90, Shah-Nazaroff discloses wherein the content descriptors comprise a continuous stream of data that may be tapped at any time to rate at least a portion of the plurality of content pieces (accessing and downloading the questionnaire upon request from the user; column 6, lines 45-47).

As to claim 91, Shah-Nazaroff discloses wherein the rating of at least a portion of the plurality of content pieces is generated via a rating algorithm (generating the questionnaire for the user to rate the program; column 3, lines 22-32).

As to claim 92, Shah-Nazaroff discloses wherein the rating feedback includes user rating of content pieces to indicate a level of desirability in receiving those content pieces if they are broadcast by the broadcast system (desirability of seeing the movies in the future; see Fig. 6).

As to claim 93, Shah-Nazaroff discloses wherein the rating feedback is received from each of the plurality of client systems independently (wherein each user independently performs and transmits their feedback; column 6, lines 23-59).

As to claim 94, Shah-Nazaroff discloses a broadcast system (Fig. 1), comprising:  
a server (170; Fig. 1);  
at least one communications link (150, Fig. 1) to transmit broadcast communications including (column 2, line 62-column 3, line 4) including content



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descriptors (column 6, lines 39-47) to a plurality of client systems (Fig. 1; column 2, line 62-column 3, line 4), the content descriptors including descriptions of a plurality of corresponding content pieces (questionnaires for particular programs; column 6, lines 23-59 and Fig. 4), and to transmit a rating feedback from each of the plurality of client systems to the server (column 3, lines 56-62), wherein the rating feedback comprises a rating of at least a portion of the plurality of content pieces (column 3, lines 22-55 and column 6, lines 23-59).

As to claim 95, Shah-Nazaroff discloses wherein the rating feedback is transmitted periodically as a batch of rated content pieces (storing and transmitting several responses; column 6, lines 48-59) via the at least one communications link from each of the plurality of client systems to the server (Fig. 1; column 3, lines 56-62).

As to claim 96, Shah-Nazaroff discloses wherein the rating feedback comprises a single rated content piece (column 6, lines 48-59), and wherein the rating feedback is transmitted via the at least one communications link from at least one of the plurality of client systems to the server (transmitting the questionnaire as it is completed; column 6, lines 48-59).

As to claim 97, Shah-Nazaroff discloses wherein the at least one communications link comprises a continuous connection to transmit rating feedback

from each of the plurality of client systems to the server (cable, optical; column 3, line 15-21).

As to claim 98, Shah-Nazaroff discloses wherein the at least one communications link comprises a connection from each of the plurality of client systems to the server that is initiated to transmit the rating feedback (Internet, telephone lines; column 3, line 15-21).

As to claim 99, Shah-Nazaroff discloses wherein the content descriptors comprise a continuous stream of data that may be tapped at any time to rate at least a portion of the plurality of content pieces (accessing and downloading the questionnaire upon request from the user; column 6, lines 45-47).

As to claim 100, Shah-Nazaroff discloses wherein the rating of at least a portion of the plurality of content pieces is generated via a rating algorithm (generating the questionnaire for the user to rate the program; column 3, lines 22-32).

As to claim 101, Shah-Nazaroff discloses wherein the rating feedback includes user rating of content pieces to indicate a level of desirability in receiving those content pieces if they are broadcast by the broadcast system (desirability of seeing the movies in the future; see Fig. 6).

As to claim 102, Shah-Nazaroff discloses wherein the rating feedback is transmitted independently from each of the plurality of client systems (wherein each user independently performs and transmits their feedback; column 6, lines 23-59).

As to claim 103, Shah-Nazaroff discloses an article of manufacture, comprising:  
a machine-readable medium that provides instructions which (stored programming controlling the server; Fig. 1), when executed by a machine, cause the machine to:

broadcast broadcast communications including content descriptors (column 6, lines 39-47) from a broadcast source to a plurality of client systems (Fig. 1; column 2, line 62-column 3, line 4) via a first communications link, the content descriptors including descriptors of a plurality of corresponding content pieces (questionnaires for particular programs; column 6, lines 23-59 and Fig. 4); and

receive a rating feedback from the plurality of client systems via a second communications link (column 3, lines 56-62), wherein the rating feedback comprises a rating of at least a portion of the plurality of content pieces (column 3, lines 22-55 and column 6, lines 23-59).

As to claim 104, Shah-Nazaroff discloses wherein the rating feedback comprises a plurality of rated content pieces (column 6, lines 48-59), and wherein receiving the rating feedback comprises periodically receiving the feedback as a batch of rated

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content pieces from each of the plurality of client systems (storing and transmitting several responses; column 6, lines 48-59).

As to claim 105, Shah-Nazaroff discloses wherein the rating feedback comprises a single rated content piece (column 6, lines 48-59), and wherein receiving the rating feedback comprises receiving the rating feedback in real-time (transmitting the questionnaire as it is completed; column 6, lines 48-59).

As to claim 106, Shah-Nazaroff discloses wherein the first communications link and the second communications link comprise a common transmission platform (Fig. 1, 150; column 2, line 44-column 3, line 21 and 56-62).

As to claim 108, Shah-Nazaroff discloses wherein the second communications link comprises a continuous connection from each of the plurality of client systems for receiving the rating feedback (cable, optical; column 3, line 15-21).

As to claim 109, Shah-Nazaroff discloses wherein the second communications link comprises a connection initiated by each of the plurality of client systems (Internet, telephone lines; column 3, line 15-21).

As to claim 110, Shah-Nazaroff discloses wherein the rating of at least a portion of the plurality of content pieces is generated via a rating algorithm (generating the questionnaire for the user to rate the program; column 3, lines 22-32).

As to claim 111, Shah-Nazaroff discloses wherein the rating feedback includes user rating of content pieces to indicate a level of desirability in receiving those content pieces if they are broadcast by the broadcast system (desirability of seeing the movies in the future; see Fig. 6).

As to claim 112, Shah-Nazaroff discloses a broadcast system (Fig. 1), comprising:

- a server (170; Fig. 1);
- at least one communications link (150, Fig. 1);
- a client system (100; Fig. 1), the client system including a processor (controller, 110) and a memory to store a rating algorithm (column 6, lines 35-47); and wherein a plurality of content descriptors are transmitted via the at least one communications link (column 6, lines 39-47) to the client system (Fig. 1; column 2, line 62-column 3, line 4), the plurality of content descriptors including descriptions of a plurality of content pieces (questionnaires for particular programs; column 6, lines 23-59 and Fig. 4);

the processor implements the rating algorithm to rate at least a portion of the plurality of content pieces to generate a rating feedback (generating the questionnaire for the user to rate the program; column 3, lines 22-32); and

the rating feedback is transmitted via the at least one communications link to the server (column 3, lines 56-62).

As to claim 113, Shah-Nazaroff discloses wherein the rating feedback is transmitted periodically via the at least one communications link to the server as a batch of rated content pieces (storing and transmitting several responses; column 6, lines 48-59).

As to claim 114, Shah-Nazaroff discloses wherein the rating feedback comprises a single rated content piece (column 6, lines 48-59), and wherein the rating feedback is transmitted via the at least one communications link in real-time (transmitting the questionnaire as it is completed; column 6, lines 48-59).

As to claim 115, Shah-Nazaroff discloses wherein the rating feedback includes user rating of the content pieces (column 3, lines 23-32).

As to claim 116, Shah-Nazaroff discloses wherein the rating feedback includes automated rating of the content pieces (column 3, line 55-column 4, line 11).

As to claim 117, Shah-Nazaroff discloses wherein the rating feedback includes user rating of the content pieces (column 3, lines 23-32) and automated rating of the content pieces (column 3, line 55-column 4, line 11).

As to claim 118, Shah-Nazaroff discloses wherein the at least one communications link comprises a continuous connection from each of the plurality of client systems for receiving the rating feedback (cable, optical; column 3, line 15-21).

As to claim 119, Shah-Nazaroff discloses wherein the at least one communications link comprises a connection initiated by each of the plurality of client systems (Internet, telephone lines; column 3, line 15-21).

As to claim 120, Shah-Nazaroff discloses a method, comprising:  
broadcasting content descriptors from a server to at least one client system (column 6, lines 39-47) via at least one communications link (150), the content descriptors including descriptions of a plurality of corresponding content pieces (questionnaires for particular programs; column 6, lines 23-59 and Fig. 4);

receiving the content descriptors at the at least one client system (column 6, lines 39-47);

rating at least a portion of the plurality of content pieces to generate a rating feedback (column 3, lines 22-55 and column 6, lines 23-59); and

communicating the rating feedback to the server via the at least one communications link (column 3, lines 56-62).

As to claim 121, Shah-Nazaroff discloses processing the rating feedback to generate an aggregate representation of the feedback from the at least one client system (Figs. 5 and 7; column 4, lines 20-26 and column 5, line 54-column 6, line 22), and

selecting a portion of the plurality of content pieces to be sent to the that least one client system in response to the aggregate representation of the feedback (column 6, line 60-column 7, line 9).

As to claim 122, Shah-Nazaroff discloses wherein communicating the rating feedback to the server comprises periodically communicating a batch of rating feedback (storing and transmitting several responses; column 6, lines 48-59).

As to claim 123, Shah-Nazaroff discloses wherein the rating feedback comprises a single rated content piece (column 6, lines 48-59), and wherein communicating the rating feedback to the server comprises communicating the rating feedback in real-time (transmitting the questionnaire as it is completed; column 6, lines 48-59).



As to claim 124, Shah-Nazaroff discloses wherein the at least one communications link comprises a continuous connection for communicating the rating feedback to the server (cable, optical; column 3, line 15-21).

As to claim 125, Shah-Nazaroff discloses wherein the at least one communications link comprises a connection initiated by the at least one client system for communicating the rating feedback to the server (Internet, telephone lines; column 3, line 15-21).

As to claim 126, Shah-Nazaroff discloses wherein the rating feedback includes user rating of the content pieces (column 3, lines 23-32).

As to claim 127, Shah-Nazaroff discloses wherein the rating feedback includes automated rating of the content pieces (column 3, line 55-column 4, line 11).

As to claim 128, Shah-Nazaroff discloses wherein the rating feedback includes user rating of the content pieces (column 3, lines 23-32) and automated rating of the content pieces (column 3, line 55-column 4, line 11).

As to claim 129, Shah-Nazaroff discloses wherein the rating feedback is transmitted from each at least one client system to the server independently (wherein each user independently performs and transmits their feedback; column 6, lines 23-59).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 8, 10, 18, 31, 36-60, 63, 75, 87 and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah-Nazaroff.

As to claim 36, Shah-Nazaroff discloses an apparatus (Fig. 8), comprising:

a processor (controller, 110);

a memory, coupled to the processor, to store a plurality of machine instructions including a rating algorithm (column 6, lines 35-47);

a communications interface, coupled to the processor (Fig. 8), which enables the apparatus to receive broadcast communications from a broadcast source via a first communications link (Fig. 8; column 2, line 62-column 3, line 4), and to send rating feedback to the broadcast source via a second communications link (column 3, lines 56-62), the broadcast communications including a plurality of content descriptors that describe a plurality of corresponding content pieces (questionnaires for particular programs; column 6, lines 23-59 and Fig. 4); and

wherein execution of the machine instructions by the processor causes the apparatus to receive the content descriptors as they are broadcast (column 3, lines 23-32), to perform the rating algorithm to generate the rating feedback (generating the

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questionnaire for the user to rate the program; column 3, lines 22-32), the rating feedback corresponding to at least a portion of the plurality of content pieces (column 3, lines 22-55 and column 6, lines 23-59), and to transmit the rating feedback to the broadcast source (column 3, lines 56-62).

While Shah-Nazaroff discloses a storage device, coupled to the processor (Fig. 8; column 8, lines 59-column 9, line 8), he fails to specifically disclose storing content pieces.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to allow a user to store content, such as with typical VCR or DVR device, for the benefit of allowing a television viewer to conveniently store a program or movie for viewing at later time.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Shah-Nazaroff's system to include storing content pieces for the typical benefit of allowing a television viewer to conveniently store a program or movie for viewing at later time.

As to claim 37, Shah-Nazaroff discloses wherein transmitting the rating feedback to the broadcast source comprises periodically transmitting the rating feedback as a batch of rated content pieces via the communications interface (storing and transmitting several responses; column 6, lines 48-59).

As to claim 38, Shah-Nazaroff discloses wherein the rating feedback comprises a single rated content piece (column 6, lines 48-59), and wherein transmitting the rating feedback to the broadcast source comprises transmitting the rating feedback in real-time (transmitting the questionnaire as it is completed; column 6, lines 48-59).

As to claim 39, Shah-Nazaroff discloses wherein the first communications link and the second communications link comprise a common transmission platform (Fig. 1, 150; column 2, line 44-column 3, line 21 and 56-62).

As to claim 41, Shah-Nazaroff discloses wherein the communications link maintains a continuous connection to a remote location to transmit the rating feedback (cable, optical; column 3, line 15-21), the remote location being linked to the broadcast source (Fig. 1).

As to claim 42, Shah-Nazaroff discloses wherein the communications interface initiates a connection to a remote location via a communications link to transmit the rating feedback (Internet, telephone lines; column 3, line 15-21), the remote location being linked to the broadcast source (Fig. 1).

As to claim 44, Shah-Nazaroff discloses wherein the content descriptors comprise a continuous stream of data that may be tapped at any time by the communications interface to enable the processor to perform the rating algorithm to rate

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at least a portion of the plurality of content pieces (accessing and downloading the questionnaire upon request from the user; column 6, lines 45-47).

As to claim 47, Shah-Nazaroff discloses wherein the content descriptors include data pertaining to a revenue-generating potential of at least a portion of the content pieces (discount incentive for a particular broadcast; column 3, lines 33-44), and the rating algorithm includes a consideration of the content piece's revenue generating potential when generating the rating feedback (including a discount for content; column 3, line 33-44).

As to claim 48, Shah-Nazaroff discloses wherein the memory stores data pertaining to a user's previous viewing habits (column 4, lines 4-11), and the rating algorithm includes a consideration of a user's previous viewing habits to generate the rating feedback (column 4, lines 4-11).

As to claims 49 and 55, Shah-Nazaroff discloses wherein the content descriptors including data pertaining to a content piece's size (or duration; column 7, lines 33-42), and the rating algorithm includes a consideration of a content piece's size (or duration) to generate the rating feedback (column 7, lines 33-42 and column 6, lines 23-34).

As to claim 50, Shah-Nazaroff discloses wherein the memory stores data pertaining to a user's preferences (column 4, lines 4-11), the rating algorithm includes a

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consideration of a user's preferences to generate the rating feedback (column 4, lines 4-11).

As to claim 51, Shah-Nazaroff discloses wherein the content descriptors include data pertaining to an availability window corresponding to a content piece (wherein the questionnaire is only available at the end of the content; column 7, lines 33-42 and column 6, lines 23-34), and the rating algorithm includes a consideration of the availability window to generate the rating feedback (wherein the questionnaire is only available at the end of the content; column 7, lines 33-42 and column 6, lines 23-34).

As to claim 52, Shah-Nazaroff discloses wherein the content descriptors include data pertaining to a future broadcast schedule (Fig. 6), and the rating algorithm includes a consideration of a future broadcast schedule to generate the rating feedback (consideration of seeing movies in the future; see Fig. 6).

As to claim 54, Shah-Nazaroff discloses wherein the content descriptors include data pertaining to a review of a content piece provided by an external source (column 7, lines 33-42), and the rating algorithm includes a consideration of a review of a content piece provided by an external source to generate the rating feedback (column 7, lines 33-42).

As to claim 56, Shah-Nazaroff discloses wherein the memory stores data pertaining to a user's age (column 4, lines 4-11), and the rating algorithm includes a consideration of a user's age to generate the rating feedback (see Figs. 4 and 6).

As to claim 57, Shah-Nazaroff discloses wherein the apparatus further includes a video subsystem (Fig. 8) having an output that generates a display on a display device when the display device is connected to the output (column 3, lines 47-55), wherein execution of the plurality of machine instructions by the processor causes the apparatus to provide a user-interface that enables a user to rate content pieces so as to indicate a level of desirability for those content pieces if they are broadcast by the broadcast system (column 3, lines 47-55; Figs. 4 and 6).

As to claim 58, Shah-Nazaroff discloses wherein the user rates at least a portion of the content pieces (column 6, lines 23-34).

As to claim 59, Shah-Nazaroff discloses wherein the rating algorithm automatically rates at least a portion of the content pieces (column 3, line 47-column 4, line 11 and column 6, lines 23-34).

As to claim 60, Shah-Nazaroff discloses wherein the rating algorithm automatically rates at least a portion of the content pieces that were not rated by the user (column 3, line 47-column 4, line 19 and column 6, lines 23-34).

As to claims 3, 40, 63, 87 and 107, while Shah-Nazaroff discloses wherein the first and second communications links may be a plurality of media (such as cable, satellite, telephone lines; column 3, lines 16-22), he fails to specifically disclose wherein the first communications link and the second communications link comprise separate transmission platforms.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention to utilize separate transmission platforms for upstream/downstream communications, such as with a typical satellite system utilizing telephone lines for upstream communication, for the benefit of allowing the use of existing infrastructure to cheaply and easily incorporate two-way transmissions in a communications system.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Shah-Nazaroff's system to include wherein the first communications link and the second communications link comprise separate transmission platforms for the benefit of allowing the use of existing infrastructure to cheaply and easily incorporate two-way transmissions in a communications system.

As to claims 10 and 45, while Shah-Nazaroff discloses receiving broadcast communications including the plurality of content pieces (column 1, line 64-column 2, line 13 and column 5, lines 9-54) and using a rating algorithm to rate the content pieces to determine which best match the viewer's interests (column 5, line 9-column 6, line



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22), he fails to specifically disclose performing a capture algorithm to selectively determine which, if any, of the content pieces should be cached, and

wherein the rating algorithm is identical to the capture algorithm.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize rating data to selectively download and store programming matching a viewer's interests for the typical benefit of providing a user-friendly system for finding and storing programming most likely to be desired by the viewer.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Shah-Nazaroff's system to include performing a capture algorithm to selectively determine which, if any, of the content pieces should be cached, and wherein the rating algorithm is identical to the capture algorithm for the typical benefit of providing a user-friendly system for finding and storing programming most likely to be desired by the viewer.

As to claims 18, 31, 53 and 75, while Shah-Nazaroff discloses wherein content descriptors include data pertaining to the content piece (column 7, lines 33-42) and the rating algorithm takes into consideration the data pertaining to the content piece to generate the rating feedback (providing the user with information such as producer, distributor, etc...; column 7, lines 33-42), he fails to specifically disclose the content piece's past revenue performance.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to provide past revenue performance information, which could include video sales, box office receipts or the user's own pay-per view ordering or rental history, for the typical benefit of providing the user with as much information as possible to accurately determine their current interest and preferences towards the content.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Shah-Nazaroff's system to include the content piece's past revenue performance for the typical benefit of providing the user with as much information as possible to accurately determine their current interest and preferences towards the content.

As to claims 8 and 43, while Shah-Nazaroff discloses wherein the broadcast communications include content descriptors which are received at pre-determined time intervals (at the end of a broadcast or in a batch at some prior time period; column 6, lines 23-47), he fails to specifically disclose receiving a schedule pertaining to when the content descriptors will be broadcast prior to the content descriptors and utilizing the schedule to enable receipt of the content descriptors.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to provide a schedule indicating when/how data is to be received for the typical benefit of providing a means to ensure that a receiver will correctly receive data transmissions.

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It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Shah-Nazaroff's system to include receiving a schedule pertaining to when the content descriptors will be broadcast prior to the content descriptors and utilizing the schedule to enable receipt of the content descriptors for the typical benefit of providing a means to ensure that a receiver will correctly receive data transmissions.

As to claim 46, while Shah-Nazaroff discloses wherein at least one content piece is cached (see the rejection of claim 36 above) and wherein the rating algorithm takes into consideration viewer's history and preferences when generating the rating feedback (column 3, line 56-column 4, line 11), he fails to specifically disclose considering the at least one cached content piece when generating the rating feedback.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize cached content as a means to determine user preferences and interests, such as programs or movies a user has chosen to record and view in the past, for the typical benefit of providing a more robust, inclusive profile of user interests.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Shah-Nazaroff's system to include considering the at least one cached content piece when generating the rating feedback for the typical benefit of providing a more robust, inclusive profile of user interests.

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### ***Conclusion***

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

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### **Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_  
(Date)

Typed or printed name of person signing this certificate:

\_\_\_\_\_

Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JS



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